



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

**JOHN I. PICKARD,**  
*Plaintiff,*

v.

**CARLOS VACEK, President and Chief**  
**Executive Officer of County Bank of Orange,**  
*et al.,*  
*Defendants.*

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Civil Action No. 1:07-CV-817

**ORDER ADOPTING AND GRANTING MOTION TO DISMISS**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the Eastern District of Texas, the Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for determination of pre-trial matters and entry of findings of fact and recommended disposition on dispositive matters. Pending before the Court is the Defendants' *Motion to Dismiss Under Rule 12* [Clerk's doc. #23].

Judge Giblin entered a *Report and Recommendation* on the pending motion to dismiss on July 14, 2008. He entered findings and recommended that the Court grant the Defendants' motion to dismiss. He also recommended that Plaintiff's claims be dismissed in their entirety, with prejudice, for failure to state a claim and failure to prosecute.

The Plaintiff filed objections to the magistrate judge's report. *See Letter Objections* [Clerk's doc. #28]. Pursuant to the Plaintiff's objections and in accordance with 28 U.S.C. § 636(b)(1), the Court

conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, the specific objections, and the applicable law in this proceeding. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted. The Plaintiff's objections are overruled.

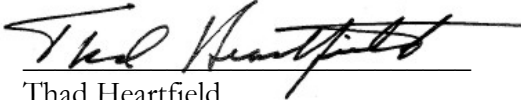
Accordingly, the *Report and Recommendation on Motion to Dismiss* [Clerk's doc. #25] is **ADOPTED** by the Court. The factual findings and legal conclusions of the magistrate judge are therefore fully incorporated by the undersigned in support of this order.

The Court **ORDERS** that Defendants' *Motion to Dismiss Under Rule 12* [Clerk's doc. #23] is **GRANTED**.

It is further **ORDERED** that the Plaintiff's claims are **DISMISSED** in their entirety with prejudice both for failure to state a claim and failure to prosecute.

The Court finally directs the Clerk of Court to close this civil action.

**SIGNED** this the **19** day of **August, 2008**.

  
Thad Heartfield  
United States District Judge